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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/598,477  | 06/22/2000  | Takayuki Nyu         | NE-1005-US/KM       | 5516             |
| 21254   | 7590        | 08/05/2005           | EXAMINER            |                  |
| MCGINN & GIBB, PLLC<br>8321 OLD COURTHOUSE ROAD<br>SUITE 200<br>VIENNA, VA 22182-3817 |             |                      | TSEGAYE, SABA       |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2662                |                  |

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/598,477 | <b>Applicant(s)</b><br>NYU, TAKAYUKI |  |
|                              | <b>Examiner</b><br>Saba Tsegaye      | <b>Art Unit</b><br>2662              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 10-13 and 16-24 is/are allowed.
- 6) ☒ Claim(s) 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is in response to the amendment filed on 04/20/05. Claims 1-24 are pending. Claims 1-8, 10-13 and 16-24 are allowed. Claims 14 and 15 are rejected. Claim 9 is objected.

### ***Claim Objections***

2. Claim 9 is objected to because of the following informalities: the phrases “the decoded signal” line 5, and “the network” line 8, appears to raise lack of antecedent bases issues.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bastiani et al. (US 6,609,167) in view of Cote et al (US 5,870,556).

Bastiani discloses a host and device serial communication protocols and communication packet formats. Further, Bastiani discloses that the normal idle condition for the device receiver is looking for a packet from the host (claimed setting a state machine in a receive mode). A slave device sensing the end of the packet and wishing to send a response must wait 20 ns minimum (turnaround time) before a transmission. When a response is required from the device the line is turned around to the host and transmission initiated. The turnaround time is a time to allow the line to settle and to allow the host to enable its receiver (column 24, lines 19-27) column 42,

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lines 31-42). Further, Bastiani discloses that the ASP protocol uses a byte count to determine the end of the packet (as in claim 15) (column 24, lines 49-57).

However, Bastiani fails to disclose that the turnaround time is based upon the exchange of signals between the network node and remote node.

Cote teaches that each message includes timestamp information that is used to calculate components of a round-trip time. The turnaround time is determined by taking the difference between the **time** indicated by the reply-sent indicator and the time indicated by the request-received indicator (column 7 lines 5-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bastiani's system to determine the turnaround time between nodes based upon the exchange of signals between the network node and the remote node, as taught by Cote. The suggestion/motivation is that Bastiani discloses that the turnaround time (20 ns) is a time to allow the line to settle and to allow the host to enable its receiver, therefore modifying the 20 ns of turnaround time to a turnaround time base upon the exchange of signals would provide more accurate and efficient system and subsequent collisions are avoided.

***Allowable Subject Matter***

4. Claims 1-8, 10-13 and 16-24 are allowed.
5. Claim 9 would be allowable if rewritten or amended to overcome the objections, set forth in this Office action.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

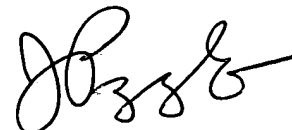
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (571) 272-3091. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST  
August 2, 2005

  
**JOHN PEZZLO**  
**PRIMARY EXAMINER**